

Translation

PATENT COOPERATION TREATY
PCT



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P18631WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/DE2003/003455	International filing date (<i>day/month/year</i>) 17 October 2003 (17.10.2003)	Priority date (<i>day/month/year</i>) 16 December 2002 (16.12.2002)	
International Patent Classification (IPC) or national classification and IPC F02D 41/30			
Applicant SIEMENS AKTIENGESELLSCHAFT			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 09 June 2004 (09.06.2004)	Date of completion of this report 02 May 2005 (02.05.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

PCT/DE2003/003455

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- The international application as originally filed/furnished
 the description:

pages _____ 1-9 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- the claims:

pages _____ , as originally filed/furnished
 pages* _____ , as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on 03 December 2004 (03.12.2004)
 pages* _____ received by this Authority on _____

- the drawings:

pages 1/3-3/3 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 3	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 3	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 3	YES
	Claims		NO

2. Citations and explanations

Claim 1

Document D1 (US6237562) discloses a method for controlling the operation of an internal combustion engine that can be operated in HCCI mode or in a mode with externally supplied ignition and that is switched between these two operating modes during normal operation according to a prescribed switching process as a function of predetermined operating parameters.

The subject matter of claim 1 differs from that of document D1 in that the engine is prevented from switching into the HCCI operating mode independently of the prescribed switching process when at least one of the exceptional situations mentioned in claim 1 occurs.

During the operation of the internal combustion engine, exceptional situations can arise in which the prescribed switching process results in an impractical operating mode. In order to ensure that an unsuitable operating mode is not employed when one of the exceptional situations mentioned in claim 1 occurs, the engine is prevented from switching into the HCCI operating mode.

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The search report citations do not disclose a method of this type to prevent the engine from switching into the HCCI operating mode when one of the exceptional situations mentioned in claim 1 occurs. Said documents also do not give any indication of how document D1 could be modified in order to arrive at the subject matter of claim 1.

Therefore, claim 1 satisfies the requirements of PCT Article 33(2).

Claim 2

The subject matter of dependent claim 2 defines further embodiments of the invention according to claim 1 and thus likewise satisfies the requirements of PCT Article 33(2) and (3).

Claim 3

Independent claim 3, which relates to a method for controlling the operation of an internal combustion engine, also satisfies the requirements of PCT Article 33(2) and (3).

The subject matter of claim 1 differs from the subject matter of claim 3 in that, in claim 3, the engine is forced to switch into the HCCI operating mode when exceptional situations occur.

The search report citations do not disclose a method of this type to force the engine to switch into the HCCI operating mode when one of the exceptional situations mentioned in claim 3 occurs. Said documents also do not give any indication of how document D1 could be modified in order to arrive at the subject matter of claim 3.